MONTANA LEGISLATIVE HISTORY

Chapter 283 19 1977

Bill H _____ S 420 Original bill & history ✓ C

H. Committee on Highways		S. Committee on Highways	
Hearing Date(s) _____	___C	Hearing Date(s) _____	___C
3/15	✓ C	2/17	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out 3/15	✓ C	2/17	✓

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

Laws of Montana Vol. I 45th Leg, 1977

Chap. Num.	Senate Bill	House Bill	Title
268	138		An act authorizing the Board of Public Education to employ a professional assistant and secretary; amending section 75-5612, R.C.M. 1947. ....Page 819
269	178		An act to amend section 32-1123.2, R.C.M. 1947, to define the term "axle"....Page 820
270	181		An act amending the courtesy permit for special fuel vehicles; amending section 84-1833, R.C.M. 1947; and providing an immediate effective date. ....Page 821
271	231		An act to permit establishment of common trust funds for collective investment of funds by affiliated banks or trust companies....Page 824
272	241		An act to extend and further describe the requirements for plugging and reclaiming "shot holes"; establishing additional filing requirements; providing for enforcement by the Board of Oil and Gas Conservation; providing for information to be given to the surface user; establishing additional penalties for failure to comply with those requirements; amending sections 69-3304 and 69-3308, R.C.M. 1947....Page 824
273	254		An act to amend section 71-226, R.C.M. 1947, treating welfare fraud as theft....Page 826
274	258		An act to include the sale of distillates on any basis other than gross volume delivered to be void; amending section 13-812, R.C.M. 1947....Page 826
275	287		An act to amend section 15-2006, R.C.M. 1947, to allow the Commissioner of Investments to waive the residency requirement for securities salesmen....Page 827
276	290		An act to amend section 79-108, R.C.M. 1947, to establish a stale-dated warrant account and to provide for disposition of stale-dated warrants....Page 830
277	300		An act to eliminate the county boards of school budget supervisors and transfer their duties to the boards of trustees; amending sections 75-5707, 75-5806, 75-6106, 75-6513, 75-6709, 75-6713, 75-6714, 75-6716, 75-6717, 75-6719, 75-6720, 75-6721, 75-6727, 75-6803, and 75-7203, R.C.M. 1947; and repealing sections 75-6703, 75-6715, and 75-6728, R.C.M. 1947....Page 830
278	301		An act to amend the Uniform Commercial Code with respect to the manner of holding and transferring investment securities and to authorize the deposit of investment securities with clearing corporations and federal reserve banks under certain conditions; amending sections 87A-8-102, 87A-8-320, and 82A-401.1, R.c.M. 1947....Page 839
279	326		An act to clarify the invalidation of marriages; amending section 48-311, R.C.M. 1947....Page 844
280	327		An act to authorize employees of the Department of Highways who enforce motor transport weight and safety laws, and officers of the highway patrol, to also enforce provisions of the Public Service Commission law regarding types of commodities carried, etc.; requiring the Public Service Commission, the Highway Patrol Bureau, and Department of Highways to cooperate to reduce duplication of enforcement effort; and amending sections 31-110 and 32-1126, R.C.M. 1947. ....Page 845
281	358		An act amending section 92-411, R.C.M. 1947, concerning the definition of employee under the Workers' Compensation Act, by removing superfluous language, clarifying the coverage of casual employees, and clarifying the coverage of students enrolled in vocational rehabilitation or other on-the-job training courses....Page 847
282	366		An act to amend section 8-119, R.C.M. 1947, to conform the penalty for violations by a motor carrier with the jurisdiction of justice courts. ....Page 848
283	420		An act amending section 32-2406, R.C.M. 1947, to authorize the Department of Highways to review local government projects on state right-of-way and to authorize the local government unit to let contracts for construction of the same..Page 849
284		71	An act to amend sections 74-608, 74-610, and 74-611, R.C.M. 1947, to apply the specified interest rate in the case of retail installment sales to the end of the month balance as well as the average daily balance and to change the penalty for certain violations of the Retail Installment Sales Act from a criminal to a civil classification....Page 849
285		77	An act for the general revision of the laws relating to administrative procedure, amending sections 82-4201 through 82-4208, 82-4212, 82-4213, 82-4215, 82-4216, 82-4217, 82-4220 through 82-4223, 82-4227 through 82-4229, and 82A-107, R.C.M. 1947....Page 852
286		175	An act to amend sections 4-1-407, 32-3403, 68-1901, 79-306, 79-1401, 84-5606.6, and 84-723, R.C.M. 1947, relating to the deposit of moneys in the state treasury....Page 868

Senate BILL NO. 420

INTRODUCED BY Aber Kolstad Olson

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 32-2406, R.C.M. 1947, TO AUTHORIZE THE DEPARTMENT OF HIGHWAYS TO REVIEW LOCAL GOVERNMENT IMPROVEMENT DISTRICT PROJECTS ON STATE RIGHT-OF-WAY AND TO AUTHORIZE THE LOCAL GOVERNMENT UNIT TO LET CONTRACTS FOR CONSTRUCTION OF THE SAME."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 32-2406, R.C.M. 1947, is amended to read as follows:

"32-2406. General power of department. The department may plan, lay out, alter, construct, reconstruct, improve, repair, maintain, and the commission may abandon highways on the federal-aid systems and state highways. The department may co-operate and contract with counties and municipalities to provide assistance in performing these functions on other highways and streets. The department may review and approve projects for improvement districts for the installation of public works on state highway right-of-way and authorize a county or municipality to let contracts related to such improvements."

-End-

SB 420

INTRODUCED BILL

lates or fails to comply with or who procures, aids or abets in the violation of any provision of this act, or who fails to obey, observe, or comply with any lawful order, decision, rule or regulation, direction, demand, or requirement of the board, or any part of provisions thereof, shall:

(a) be subject to a civil penalty to be collected and deposited to the general fund by the board after notice and hearing in an amount not less than twenty-five dollars ($25) nor more than five hundred dollars ($500) for the first offense, and not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) for each subsequent offense; or

(b) *be subject, upon conviction in a justice court, to* a fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500) for the first offense, and not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) for each subsequent offense."

Approved April 5, 1977.

CHAPTER NO. 283

AN ACT AMENDING SECTION 32-2406, R.C.M. 1947, TO AUTHORIZE THE DEPARTMENT OF HIGHWAYS TO REVIEW LOCAL GOVERNMENT PROJECTS ON STATE RIGHT-OF-WAY AND TO AUTHORIZE THE LOCAL GOVERNMENT UNIT TO LET CONTRACTS FOR CONSTRUCTION OF THE SAME.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 32-2406, R.C.M. 1947, is amended to read as follows:

"**32-2406. General power of department.** The department may plan, lay out, alter, construct, reconstruct, improve, repair, maintain, and the commission may abandon highways on the federal-aid systems and state highways. The department may co-operate and contract with counties and municipalities to provide assistance in performing these functions on other highways and streets. *The department may review and approve projects for the installation of public works on state highway right-of-way and authorize a county or municipality to let contracts related to such improvements.*"

Approved April 5, 1977.

CHAPTER NO. 284

AN ACT TO AMEND SECTIONS 74-608, 74-610, AND 74-611, R.C.M. 1947, TO APPLY THE SPECIFIED INTEREST RATE IN THE CASE OF RETAIL INSTALLMENT SALES TO THE END OF THE MONTH BALANCE AS WELL AS THE AVERAGE DAILY BALANCE AND TO CHANGE THE PENALTY FOR CERTAIN VIOLATIONS OF THE RETAIL INSTALLMENT SALES ACT FROM A CRIMINAL TO A CIVIL CLASSIFICATION.

45th LEGISLATIVE SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

SENATE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
362	2/9	2/15	2/17			2/17			
366	2/9	2/15	2/17	2/17					
367	2/9	2/15	2/17			2/17			
374	2/9	2/15	2/17		2/17				
375	2/9	2/15	2/17			2/17			
386	2/9	2/17	2/19			2/19			
390	2/9	2/15	2/17	2/17					
391	2/9	2/15	2/17	2/17					
392	2/9	2/15	2/17			2/17			
407	2/5	2/10	2/10		2/10				
411	2/7	2/19	2/19		2/19				
412	2/7	2/17							
✓420	2/9	2/17	2/17			2/17			
426	2/10	2/17	2/17			2/17			
432	2/12	2/19							
440	2/17	2/19	2/24			2/14			

(Use Separate Sheet for Senate, House Bills, and Resolutions)

Mr. Huss said that the GM advancements for warranty work were misleading the committee, for there was a dealer in Billings who right now had $1200 worth of warranty work done that GM refuses to pay. The definition of gross profits includes all of the normal business costs, not just labor. In conclusion, Mr. Huss said that he agreed that SB 386 was identical to the Arizona law except that the warranty provision was not included in Arizona. Everywhere the representatives traveled in Montana, they were asked for that specific provision.

Chairman Manning allowed the GM representatives to close with their comments being that they had traveled such long distances to come to this meeting. Mr. Gilliatt thanked the chairman and the committee for that opportunity. He said that GM was not opposing the rights of succession bill (SB 426) for they had been abiding by the same types of provisions in their own contracts since 1955. GM does not approve the successors, they are given a two year trial period, and in no case were any of the franchises cancelled after the trial. As to the warranty provisions, GM had no objection to paying the going rate to the dealer if it is justified by what the mechanic is paid and by the fringe benefits given to the mechanics.

CONSIDERATION OF SENATE BILL 420: Mr. Tom Crowley, the city engineer in Missoula, testified to the committee that he had a letter from the originator of the bill indicating that some of the wording had been changed in drafting and could lead to problems later in implementing the bill. (See Attached #6) The bill is not controversial and the Department of Highways Director is a proponent of the bill. The letter offers some of the sentiments as well as suggested amendments to the bill. There is reasonable cause for the bill because Bozeman had been sued and lost their case and Missoula had been sued and won their case. It would really be a shame to spend all of the time in court before a project could be started. If the city wanted to widen the sidewalks, if the Highway Department approved the project, the city would be allowed to let the contracts.

ADJOURNMENT: There being no further business, the meeting was adjourned at 11:05 a.m.

Dave Manning

DAVE MANNING, CHAIRMAN

Attachment # 6

THE GARDEN CITY
HUB OF FIVE VALLEYS

Missoula, Montana 59801

City Engineering Department
201 West Spruce
Phone 728-2817
Letter No. E-77-68

February 14, 1977

TO: Senate Highway and Transportation Committee

SUBJECT: S.B. 420

I have reviewed S.B. 420 and support the intent of the bill. However, key words were eliminated from the originator's request. Starting with line 20, suggest it be amended to read:

> "The department may review and approve projects for improvement districts, sidewalk, curbing or other public works projects on state highway right-of-way and authorize a county or municipality to let contracts related to such improvements" or
>
> if the Committee prefers, the words "Public Works Construction Projects" or "Construction Projects" may be used to be more general. The present wording of improvement district refers to only one form of construction project.

It is important that the present draft extend beyond just improvement districts. Cities and counties use improvement district only about 30% of the time. The use of curb and sidewalk assessments, general funds, gas tax or revenue sharing may be used the other 70% of the time.

Sincerely,

Fred Root
City Attorney

FR/pb

DISPOSITION OF SENATE BILL 374: Chairman Manning told the committee that he had talked with Senator McComber about moving the bill to the Finance and Claims Committee and Senator McComber did not think that that would be necessary. Senator Aber commented that he felt that the fees were outlandish. Senator Bergren said that he agreed. Senator Lockrem said that the consumer is the one who ends up paying in the end anyway. Senator Lockrem moved that SB 374 do not pass. Senator Aber seconded the motion. The motion carried with Senators Smith and Graham voting No and Senator Hazelbaker absent. The rest of the committee voted Yes. Chairman Manning asked Senator Lockrem to defend the committee report on the floor of the Senate.

DISPOSITION OF SENATE BILL 391: Senator Smith moved that SB 391 do pass. Senator Aber seconded the motion. The motion carried unanimously with Senator Hazelbaker absent.

DISCUSSION OF SENATE BILL 392: Senator Smith moved that the title be amended on line 13, deleting "PUBLIC UTILITIES" and inserting "MOTOR CARRIERS". Senator Lockrem seconded the motion. The motion carried unanimously with Senator Hazelbaker absent. Senator Bergren commented that if the costs of publication of notices are passed on to the applicant, and the PSC publicizes several times, the cost could be quite great. Senator Smith moved that SB 392 do pass as amended. Senator Hager said that he was concerned on page 3 of the PSC option of a fee between $100 and $200, depending on the counties. The fees could cover more expenses than advertising. They seem to cover themselves both ways. Senator Aber suggested that we get the PSC representatives back to explain this to the committee. Senator Smith withdrew his motion and Senator Hager commented that he would contact the PSC for information while the committee continued in executive session.

DISPOSITION OF SENATE BILL 327: Senator Lockrem asked that some member of the committee refresh his memory as to the testimony on this bill. Senator Graham responded that the author was trying to give the responsibility of enforcing the PSC regulations and the laws concerning the transporting of goods to the Highway Patrol and the Weigh Masters as well as to the PSC enforcement team. Senator Bergren moved that SB 327 do not pass. Senator Lockrem seconded the motion. The motion carried unanimously with Senator Hazelbaker absent.

DISPOSITION OF SENATE BILL 420: Senator Aber moved that the bill be amended on line 21 to delete "for improvement districts" and that the title be amended in like manner. Senator Bergren seconded the motion. The motion carried unanimously with Senator Hazelbaker absent. Senator Aber moved that SB 420 do pass as amended. Senator Smith seconded the motion. The motion carried unanimously with Senator Hazelbaker absent.

DISCUSSION OF SENATE BILLS 385 and 426: Senator Aber commented that these bills needed more study as he believed they constituted a new contract. He said that he was on the side of the dealers, but maybe this bill was a little harsh.

STANDING COMMITTEE REPORT

February 18 19 77

MR. President

We, your committee on HIGHWAYS AND TRANSPORATION

having had under consideration SENATE Bill No. 420

Respectfully report as follows: That SENATE Bill No. 420,
introduced bill, be amended as follows:

1. Amend title, line 6.
Following: "GOVERNMENT"
Strike: "IMPROVEMENT DISTRICT"

2. Amend page 1, section 1, line 21.
Following: "projects"
Strike: "for improvement districts"

AND AS SO AMENDED, DO PASS
~~XXXXXX~~

DAVE MANNING
Chairman.

STATE PUB. CO.
Helena, Mont.

HIGHWAYS AND
TRANSPORTATION COMMITTEE

__ Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
SB 322	"AN ACT TO CLARIFY STOPPING AND LIGHTING REQUIREMENTS FOR SCHOOL BUSES; AMENDING SECTIONS 32-2193 AND 32-2197, R.C.M. 1947."	2/18/77	Graham	3/3/77	CONCURRED IN	3/3/77
HB 640	"AN ACT RAISING THE FEES PAYABLE BY LICENSED VEHICLE DEALERS; TRANSFERRING THE DEALER LICENSE FEE PROVISIONS TO A NEW SECTION; AND .."	2/25/77	Day	2/25/77	Tabled	
SJR 36	"A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA CALLING FOR A JOINT FEDERAL-STATE-LOCAL.."	2/25/77	Manning Kolstad	3/10/77	CONCURRED IN	3/10/77
SB 327	"AN ACT TO AUTHORIZE EMPLOYEES OF THE DEPARTMENT OF HIGHWAYS WHO ENFORCE MOTOR TRANSPORT WEIGHT AND SAFETY LAWS TO ALSO ENFORCE PROVISIONS OF.."	3/2/77	Regan Fasbender	3/15/77	CONCURRED IN	3/15/77
SB 420	"AN ACT AMENDING SECTION 32-2406, R.C.M. 1947, TO AUTHORIZE THE DEPARTMENT OF HIGHWAYS TO REVIEW LOCAL GOVERNMENT IMPROVEMENT DISTRICT PROJECTS.."	3/2/77	Aber Kolstad	3/15/77	CONCURRED IN	3/15/77

HIGHWAYS AND TRANSPORTATION COMMITTEE

March 15, 1977

The Committee on Highways and Transportation was called to order on March 15, 1977, at 10:00 a.m. with Chairman Baeth presiding and all members present, except Representative Mular.

The following bills were scheduled for discussion today: SB 10, SB 24, SB 178, SB 327, and SB 420.

SENATE BILL 327

Representative Pat Regan, chief sponsor of this bill, authorized the officers of the Highway Patrol to enforce provisions of the motor carriers licensing law as that granted the public service commission under 8-103. The highway commission, highway patrol and the department of highways shall cooperate to assure duplication and maximum coordination of enforcement effort. No additional funds will be needed. There will probably be an increase in revenues for the state due to stricter enforcement.

Colonel Joe Sol, chief of the Highway Patrol Bureau of the Department of Justice, said they support this bill. Through our activities, they come in contact with the large trucks. In so doing, we can also check for violations of the motor carriers licensing law.

There were no opponents. Hearing closed on SB 327.

SENATE BILL 24

Senator Thiessen, sponsor of this bill, said this is a corrective measure. There seems to be no need for an attorney on the highway commission because the Department of Highways has a full staff of attorneys. This bill exempts the highway commission from the provision that one member must be an attorney. This will allow more flexibility in appointing members.

There were no opponents. Hearing closed on SB 24.

SENATE BILL 420

Senator Aber, chief sponsor of this bill, was not able to come to this hearing. Tom Crowley, city engineer of Missoula, spoke to the committee on this bill. He explained that this bill was introduced at their request.

He said there is a need for improvements to the right-of-way of state highways. These improvements include storm drains, sidewalks and curbs. As it stands now, the department had to approve these items and let the contracts. The city or municipality could not let the contracts.

With this bill the city or municipality may let the contracts after the department approves the plans. This would save a good deal of time. This work is done through assessments.

Jim Beck, attorney for the Department of Highways, said they support this bill. It will alleviate some misunderstandings. Such improvements need department approval because of federal standards which must be met.

There were no opponents. Hearing closed on SB 420.

EXECUTIVE SESSION

SENATE BILL 420

Representative Kanduch made a motion of be CONCURRED IN. Representative Hansen seconded it. Motion carried unanimously. (Rep. Mular absent)

Representative Kanduch will carry it through the House.

SENATE BILL 178

Representative Keyser made a motion of be CONCURRED IN. Motion carried unanimously. (Rep. Mular absent)

Representative Kanduch will carry it through the House.

SENATE BILL NO. 420

INTRODUCED BY ABER, KOLSTAD, OLSON

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 32-2406, R.C.M. 1947, TO AUTHORIZE THE DEPARTMENT OF HIGHWAYS TO REVIEW LOCAL GOVERNMENT ~~IMPROVEMENT--DISTRICT~~ PROJECTS ON STATE RIGHT-OF-WAY AND TO AUTHORIZE THE LOCAL GOVERNMENT UNIT TO LET CONTRACTS FOR CONSTRUCTION OF THE SAME."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 32-2406, R.C.M. 1947, is amended to read as follows:

"32-2406. General power of department. The department may plan, lay out, alter, construct, reconstruct, improve, repair, maintain, and the commission may abandon highways on the federal-aid systems and state highways. The department may co-operate and contract with counties and municipalities to provide assistance in performing these functions on other highways and streets. The department may review and approve projects ~~for improvement districts~~ for the installation of public works on state highway right-of-way and authorize a county or municipality to let contracts related to such improvements."

-end-

REFERENCE BILL

SB 420